

VZCZCXYZ0012
PP RUEHWEB

DE RUEHMU #0193/01 0271509
ZNR UUUUU ZZH
P 271509Z JAN 06
FM AMEMBASSY MANAGUA
TO RUEHC/SECSTATE WASHDC PRIORITY 5036
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE
RUEHC/DEPT OF LABOR WASHINGTON DC
RHEHNSC/NSC WASHINGTON DC

UNCLAS MANAGUA 000193

SIPDIS

SENSITIVE
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DEPARTMENT FOR WHA/CEN

E.O. 12958: N/A

TAGS: [PGOV](#) [SOCI](#) [ELAB](#) [ECON](#) [EFIN](#) [NU](#)

SUBJECT: GOVERNMENT DECLARES MEDICAL STRIKE ILLEGAL, BUT
FSLN UNIONS THREATEN TO ESCALATE CONFLICT

¶1. (SBU) SUMMARY: A widespread strike of medical workers, led by a Sandinista (FSLN)-affiliated union, has paralyzed most Nicaraguan public hospitals for the last week. On January 20, the Minister of Labor declared the strike illegal, allowing the Ministry of Health to fire striking union leaders. However, the FSLN-controlled courts have predictably sided with the union, overruling both government actions. Amid media reports of people with critical health problems and injuries going untreated, the United Nations agencies in Nicaragua issued a pronouncement reminding all involved in the labor dispute of their responsibilities to their fellow citizens. There are also signs that the medical strike may be only the first in a wave of FSLN-fomented labor conflicts and street violence in a familiar attempt to pressure and discredit the GON during an election year. END SUMMARY.

LABOR MINISTER DECLARES MEDICAL STRIKE ILLEGAL

¶2. (U) On January 20, Minister of Labor Virgilio Gurdian declared illegal a strike of medical workers that began in November with partial work stoppages, but has grown into a near-total shutdown of public hospitals since January 18. The labor minister's declaration gave striking workers 48 hours to return to work and threatened those who refused with firing by the Ministry of Health (Minsa). Gurdian stated that he made his decision because lives are being endangered by the strike and the medical workers unions involved in the strike have not followed all of the proper administrative procedures required for a legal work stoppage. While some medical workers returned to their jobs after the Labor Ministry's announcement, most did not, and the 48-hour grace period expired at 3 p.m. on January 22. Minister of Health Margarita Gurdian announced the first firings, of nine union leaders, on January 23. The health minister reiterated that Minsa has accepted a 13.75-percent salary increase, but simply cannot fund the 70-percent pay hike the unions are demanding.

¶3. (SBU) On January 24, Labor Minister Gurdian told poloff that his decision to declare the strike illegal was based on strong legal ground. First, the striking medical workers had not complied with all the procedures mandated for a legal strike. Second, the labor code specifically states that the Ministry of Labor can declare a strike illegal if it threatens to endanger lives, which the "total" work stoppage has done. Finally, on a political level, Gurdian asserted that his declaration was a lever for the government as it sought to pressure strike leaders to match the pressure they were exerting via their complete work stoppage. Gurdian

noted that he had expected the Managua appeals court to side with the medical union and throw out his declaration (which it did on January 24), describing this as yet another example of the judiciary interfering in affairs that are the exclusive purview of his ministry.

U.N. REPRESENTATIVES REMIND GON AND UNIONS OF THEIR RESPONSIBILITIES

14. (U) In response to widespread media reports of people with critical health problems going untreated because of the strike, on January 21, the local representatives of United Nations organizations in Nicaragua (UNDP, WHO, UNICEF, UNFPA) made the unusual move of issuing a joint public pronouncement calling on all involved in the labor conflict to ensure that no one is denied critical medical care. The UN officials noted that such care is a requirement of the United Nations charter, UN Declaration on Human Rights, the Nicaraguan constitution, and numerous other Nicaraguan laws. Although the UN statement was careful not to take sides in the labor dispute and called on all parties to behave responsibly, it seemed directed primarily at the striking medical workers, and exhorted them not to neglect their duties and the human rights of their fellow citizens.

15. (SBU) On January 24, UNDP Country Representative and UN Country Coordinator Alfredo Missair told poloff that he and his UN counterparts had issued the pronouncement in order to inject an "ethical dimension" into the labor dispute, and to try to provide both Minsa and the striking union a way to back down from extreme positions and negotiate. It was for this reason that the statement had reminded both sides of their responsibilities and suggested ways out of the impasse. Missair believes that the pronouncement has helped to nudge Minsa and the doctors back to the negotiating table and had softened their positions. Missair added that while his predecessor, Jorge Chediek, had become deeply involved in political negotiations throughout much of 2005 intended to prevent the removal of the Bolanos government from office and restore governability, he (Missair) prefers a less political role for the UN agencies and has withdrawn them from the Nicaraguan political fray. However, he and his counterparts will inject an ethical, non-partisan dimension to divisive issues and make their views known when appropriate, both to suggest solutions to problems and to promote development of a more democratic and responsible culture of politics and citizenship in Nicaragua.

COURTS SIDE WITH UNION (AS USUAL) AND STRIKE GOES ON

16. (U) In response to the U.N. statement, negative media reports and the actions of the labor and health ministers, union leaders have denied that their strike has deprived anyone of critical medical care. They also immediately appealed the Labor Ministry's ruling and the nine firings in the (Sandinista-controlled) courts, continued to occupy public hospitals, and declared that they will disregard any firings ordered by Minsa. On January 24, the Managua court of appeals sided with the medical workers' union on all issues, declaring both the Minister of Labor's ruling and the subsequent Minsa firings as null and void. Both the Ministers of Labor and Health reluctantly accepted the ruling, but Margarita Gurdian claimed that it did not reverse the firing of the nine union leaders; she insisted that the court's action only blocked additional firings. Unless ongoing negotiations between Minsa and the union resolve the labor conflict, the various legal issues and appeals will eventually have to be resolved by the Supreme Court.

COMMENT

17. (SBU) On the political level, numerous other Sandinista-affiliated unions are also threatening strikes and violence in an apparent effort to intimidate the government. The principal FSLN teachers union (ANDEN) is publicly

predicting strikes for early February and Sandinista transportation cooperatives are demanding fare increases, while several other major unions--representing agricultural workers, university students and additional medical workers--are all threatening street violence if their various demands are not met. Whatever the (often dubious) substance of the various unions, demands, political observers are speculating that Daniel Ortega and the FSLN leadership are beginning their campaign of election-year rabble-rousing. Even independent Sandinista dissident/presidential candidate Herty Lewites has described the threatened strikes as politically orchestrated by Ortega. Ortega is likely "responding" to President Bolanos, recent call for a referendum to decide the fate of the various FSLN-driven constitutional reforms approved by the National Assembly during 2005.

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